

**STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

Boundary Commission
Docket #96-AP-4

The proposed annexation of
territory in Fawn River Township
to the City of Sturgis

_____/

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed annexation of the following territory in Fawn River Township to the City of Sturgis and described as follows:

PARCEL 1

Commencing at the south quarter corner of Section 6, Town 8 South, Range 9 West; thence North on the quarter line 1422.55 feet to the Point of Beginning; thence North on the quarter line 600 feet to the south side of Chicago Road; thence South 81°-15' West 221.42 feet; thence South 600 feet; thence North 81°-15' East 221.42 feet to the point of beginning, excepting the northerly 209 feet thereof.

PARCEL 2

Commencing in the center of Section 6, Town 8 South, Range 9 West; thence South on quarter line 625.66 feet to the south line of Chicago Road, which is the Point of Beginning; thence South along the quarter line 733.87 feet; thence East at right angles to said quarter line 288 feet; thence North parallel with said quarter line 778.63 feet to the south line of Chicago Road; thence south 81°-10' West along the south line of Chicago Road 291.46 feet to beginning.

This matter came before State Boundary Commissioners VerBurg, Rutledge and Walker, and St. Joseph County Commissioners Baker and Meyer for final adjudication in Lansing, on Tuesday, December 17, 1996. The Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A. On February 16, 1996, a petition was filed by the Market Development Corporation, property owner, asking for the annexation of a portion of Fawn River Township into the Home Rule City of Sturgis.

- B. On **April 16, 1996**, an adjudicative meeting of the State Boundary Commission was held in Lansing to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended, and the area to be considered at the public hearing was **expanded** to include the southwest quarter of Section 6, excepting those parts currently in the City of Sturgis.
- C. On **May 28, 1996**, a public hearing was held in the City of Sturgis to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- D. On **December 17, 1996**, an adjudicative meeting of the State Boundary Commission was held in Lansing to reach a decision based on the information received.

INFORMATION TO BE NOTICED

- 1. The **Petitioner** stated that annexation of their 6.958 acres was desired because:
 - Wants the benefit of enhanced police and fire protection.
 - Believes the now vacant western portion of the area proposed for annexation would have more potential for commercial development if within the City limits.
 - Utility costs would decrease.
 - The area proposed for annexation is split by a City street and contiguous to the City boundary and the petitioner wants the City to have exclusive jurisdiction over the property.
- 2. The **City** reported:
 - Supports annexation of the Market Development Corporation property to the centerline of U.S -12.
 - Supports annexation of the Century Bank and Trust property to the centerline of U.S.-12.
 - Supports annexation of a portion of the expanded area that includes "those islands bounded by the center lines of the following streets: US-12 (Chicago Rd..) on the North, Lakeview Avenue on the West, Walker Avenue on the South and Farwell Avenue on the East."
 - Will work with the Township towards elimination of all islands and enclaves.
- 3. The **Township** reported:
 - Does not contest the original annexation petition of the Market Development Corporation property.
 - Does not contest the annexation of the Century Bank & Trust property within the area expanded by the Commission.
 - Would not contest the annexation of a portion of the expanded area that includes those islands bounded by the center lines of the following streets: US-12 (Chicago Rd..) on the North, Lakeview Avenue on the West, Walker Avenue on the South and Farwell Avenue on the East.

- Will work with the City toward eliminating all islands and enclaves.

THE COMMISSION FINDS THAT

1. Fawn River Township and the City of Sturgis have agreed on an area to be annexed that includes:
 - a. The area originally petitioned by Market Development Corporation.
 - b. Property owned by Century Bank and Trust which the Bank requested to be annexed.
 - c. An area of the Township that includes several City islands and enclaves.
2. The area agreed on for annexation by the City and the Township is entirely within the area as expanded by the Commission.
3. The area agreed on for annexation by the City and the Township eliminates several City islands and enclaves.
4. The City and Township have expressed a desire to work to eliminate the remaining City islands and enclaves.
5. Annexation of the area agreed on by the City and the Township is consistent with the Commission's policy of eliminating islands and enclaves.

IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the information contained in the record of this docket in terms of the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On December 17, 1996, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker, and St. Joseph County Commissioners Baker and Meyer voted unanimously to **annex** the following described territory to the City of Sturgis:

Commencing at the south quarter corner of Section 6, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan; thence North on the quarter line 1422.55 feet to the Point of Beginning; thence North on the quarter line 600 feet to the south side of Chicago Road; thence South 81°-15' West 221.42 feet; thence South 600 feet; thence North 81°-15' East 221.42 feet to the point of beginning,

ALSO

Commencing in the center of Section 6, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan; thence South on quarter line 625.66 feet to the south line of Chicago Road, which is the Point of Beginning; thence South along the quarter line 733.87 feet; thence East at right angles to said quarter line 288 feet; thence North parallel with said quarter line 778.63 feet to the south line of Chicago Road; thence south 81°-10' West along the south line of Chicago Road 291.46 feet to beginning,

ALSO

That part of the Southwest one-quarter of Section 6, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan. Lying southerly of the South right-of-way line of Chicago Road, East of the West line of said Section 6, North of the South line of said Section 6, and West of the centerline of Farwell Avenue, including Lots 1-8 of Almeda Heights Subdivision, Lots 1-22 of Fox Addition No. 1 Subdivision, Lots 1-62 of Fox Stoeckle Addition and Lots 1-2, Block 1, Lots 1-10, Block 2, Lots 1-12, Block 3, Lots 1-7, Block 6, Lots 1-15, Block 7, Lots 1-16, Block 8, Lots 1-8, Block 11, Lots 1-16, Block 12, Lots 1-5, Block 15, Lots 1-10, Block 16, Lots 1-5, Block 19, Lots 1-10, Block 20, all in the Plat of Maplecrest, excepting therefrom that territory currently within the City of Sturgis.

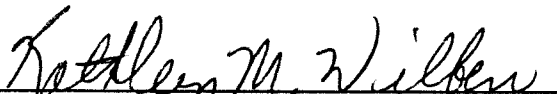
3. On December 17, 1996, the Commission directed the Executive Director to prepare a draft Findings of Fact and Order for distribution to Commissioners prior to final action.
4. On January 30, 1997, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker voted to approve the Findings of Fact and Order and to recommend that the Director of the Department sign the order.

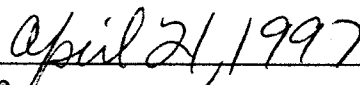
ORDER

DOCKET #96-AP-4

IT IS ORDERED THAT this order approving the annexation of certain territory in **Fawn River Township** into the **Home Rule City of Sturgis** shall be final and effective on the date signed by the Director of the Department of Consumer & Industry Services.

IT IS FURTHER ORDERED THAT the Executive Director shall forthwith transmit a certified copy of these Findings of Fact and Order to the Petitioner and to the clerks of the City of Sturgis, Fawn River Township, and St. Joseph County.


Kathleen M. Wilbur, Director
Department of Consumer & Industry Services


Date